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**ATTORNEYS FOR CREDITOR
GR ASSOCIATES LLC**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	Chapter 11
COTTONWOOD FINANCIAL LTD., et al.	§	Case No. 24-80035-swe11
<i>Debtor.</i>	§	
GR ASSOCIATES LLC	§	
v.	§	
COTTONWOOD FINANCIAL TEXAS LLC f/k/a COTTONWOOD FINANCIAL LTD.	§	

MOTION TO LIFT AUTOMATIC STAY

Creditor GR Associates LLC ("Landlord"), as successor-in-interest to North Garland Crossing Ltd., a creditor in the above-referenced case, files this Motion to Lift Automatic Stay and would respectfully show this Court as follows:

1. Debtor Cottonwood Financial Texas LLC f/k/a Cottonwood Financial Ltd. ("Debtor") filed its voluntary petition for relief under Chapter 11 of the U.S. Bankruptcy Code on February 25, 2024.
2. On or about August 23, 2004, Debtor, as tenant, executed the Standard Commercial Shopping Center Lease (the "Lease") with Landlord for lease of the premises containing about 1,050 square feet of leasable floor area located at the North Garland Crossing Shopping Center, 5345 N. Garland Avenue, Suite 380, Garland, Texas 75040 (the "Premises").

See Sanders Aff. ¶ 4 (App. 001); Lease (App. 003-029).

3. On or about March 4, 2019, Landlord and Debtor executed the Third Amendment to Standard Commercial Lease (the “Amendment”) extending the term of the Lease until November 30, 2024 and providing for fixed annual minimum guaranteed rental rates and additional rent for the term of the Amendment. See Sanders Aff. ¶ 5 (App. 002); Amendment (App. 030-034).

4. On or about November 15, 2021, Landlord purchased the Premises from North Garland Crossing Ltd., the former landlord, and sent Debtor a letter providing notice of the change of ownership. See Letter from Landlord to Debtor dated November 15, 2021 re: Notice of Change of Ownership of North Garland Crossing (App. 070-072).

5. Debtor has defaulted on its monthly payment obligations under the Lease, and as of March 5, 2024, has a delinquent balance of \$5,323.31 due to Landlord. See Sanders Aff. ¶ 6 (App. 002); Lease Ledger (App. 035).

GROUND FOR RELIEF

6. Pursuant to 11 U.S.C. § 362(a), Landlord seeks to lift the automatic stay to commence eviction proceedings against Debtor to obtain possession of the Premises.

7. Debtor has no equity in the property, and the property is not necessary for an effective reorganization.

8. Landlord does not have adequate protection for its interest in the property.

9. Pursuant to Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure, Landlord further requests that the Court enter an order granting this Motion and waiving the 14-day stay after the entry of the order granting this Motion.

PRAYER

Accordingly, Landlord prays that the Court grant this Motion and enter an order modifying the automatic stay to permit Landlord to go forward with eviction proceedings against Debtor; and for such other and further relief to which it may show itself justly entitled.

PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1100 COMMERCE STREET, ROOM 1254, DALLAS, TEXAS 75242 BEFORE THE CLOSE OF BUSINESS ON MARCH 25, 2024, WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.

Respectfully submitted,

/s/ Craig A. Bernstein
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CERTIFICATE OF CONFERENCE

The undersigned attorney has conferred with counsel for the Debtor by email on March 8, 2024. Debtor's counsel is opposed to the relief requested in this Motion.

/s/ Todd Goldberg
Todd Goldberg

CERTIFICATE OF SERVICE

I hereby certify that, on March 11, 2024, a true and correct copy of the foregoing document was served on all parties and/or counsel for the parties via the CM/ECF filing system.

/s/ Todd Goldberg
Todd Goldberg